

REMARKS

Claims 16 to 32 are now pending in the above-referenced application.

According to the Notification Of Defective Response, which was mailed on September 4, 2003, the priority document is listed as among those items that the Patent Office has received from the International Burea (IB), it is respectfully requested that the Examiner acknowledge in the next Communication that the priority document has been received.

With respect to page two (2) of the Final Office Action, the drawings were objected to in the Final Office Action. Applicants have amended Figures 2 and 3 to include further descriptive labels, as suggested. The replacement sheet for Figures 2 and 3 accompany this response. No new matter has been added and the text is supported by the present application. Approval and entry are respectfully requested.

As to the request for a new drawing of the "method", the objection is traversed since 37 C.F.R. § 1.83(a) ("Rule 83(a)") is subject to 37 C.F.R. § 1.81 -- *which only requires a drawing "where necessary for the understanding of the subject matter sought to be patented"*. In view of the claims, the specification disclosure, and the other Figures, it is respectfully submitted that no other drawing is necessary for understanding the claimed subject matter of a method claim, which reflects no more information than is already provided by the specification. The M.P.E.P. also makes plain that a drawing is not necessary for a method claim.

It is therefore respectfully requested that the drawings objections be withdrawn in view of the foregoing.

As for the objection to the claims, withdrawal is requested in view of the claim amendments.

Claims 16, 27, and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,212,831 to Chuang et al. ("Chuang I").

Independent claims 16 and 27 are rewritten to better clarify that the described channel assignment occurs for establishing a connection or during a connection between one of the base stations and one of the mobile stations or between the user station and another user station. In column 11, line 66 through column 12, line 7, the Chuang I reference indicates that the frequency channel assignment is performed when the system is installed or when it is expanded. It may also be performed, however, when topographical conditions change. This is an offline process, which is performed at a time in which the transmission service is used as little as possible. The "portable radio access", that is, the channel assignment for a connection to be established, occurs according

to Chuang I in real-time and upon request of the users as part of the connection access protocol. In the subject matter of Chuang I, this channel assignment thus differs from the offline process of the frequency channel assignment during the installation of the system.

In contrast, in the subject matter of claims 16 and 27, as presented, the channel assignment is performed based on a previously measured minimal transmission power on the transmission channel to be assigned for establishing a connection or during a connection between one of the base stations and one of the mobile stations or between the user station and another user station., as is described in the present application, as provided for in the context of each of claims 16 and 27.

Thus, the subject matter of Chuang I is concerned with a frequency assignment during the installation or expansion of the system in the form of an offline process, whereas the subject matter of the rewritten claims 16 and 27 also makes possible a transmission channel assignment for a connection to be established or an existing connection as a function of the previously measured transmission power during the normal operation of the system and thus in real-time in response to a request by a user.

Accordingly, the Chuang I reference does not identically describe every feature of claim 16 or claim 27, as presented, so that these claims are allowable, as are their respective dependent claims 17 to 26 and 28 to 32.

Claims 24 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuang I in view of United States Patent No. 5,093,924 to Toshiyuki et al. ("Toshiyuki").

Claims 24 and 25 depend from claim 16, as presented, and are therefore allowable for essentially the same reasons as their respective base claims, since the further reference does not cure the critical deficiencies of the primary reference, nor is it asserted to do so.

Claims 17-19, 26, 29, 30 and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuang I in view of United States Patent No. 6,052,594 to Chuang ("Chuang II").

Claims 17-19, 26, 29, 30 and 32 depend from claims 16 or 27, as presented, and are therefore allowable for essentially the same reasons as their respective base claims, since the further reference does not cure the critical deficiencies of the primary reference, nor is it asserted to do so.

Claim 20 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuang I in view of United States Patent No. 6,442,152 to H'mimy.

Claims 20 and 31 depend from claims 16, as presented, and are therefore allowable for essentially the same reasons as their respective base claims, since the further reference does not cure the critical deficiencies of the primary reference, nor is it asserted to do so.

Claims 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuang I in view of United States Patent No. 5,175,867 to Wejke et al. ("Wejke").

Claim 21 depends from claims 16, as presented, and is therefore allowable for essentially the same reasons as their respective base claims, since the further reference does not cure the critical deficiencies of the primary reference, nor is it asserted to do so.

Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuang I in view of United States Published Patent Application No. 2001/004687 to Mizoguchi ("Mizoguchi").

Claim 22 depends from claims 16, as presented, and is therefore allowable for essentially the same reasons as their respective base claims, since the further reference does not cure the critical deficiencies of the primary reference, nor is it asserted to do so.

Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuang I in view of United States Published Patent Application No. 2004/0214582 to Lan ("Lan").

Claim 23 depends from claims 16, as presented, and is therefore allowable for essentially the same reasons as their respective base claims, since the further reference does not cure the critical deficiencies of the primary reference, nor is it asserted to do so.

Accordingly, claims 16 to 32 are allowable.

CONCLUSION

In view of the above, it is respectfully submitted that all of the presently pending claims 16 to 32 are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn, since they have been obviated. Since all issues raised have been addressed, an early and favorable action on the merits is respectfully requested.

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Respectfully Submitted,

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